

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA**  
Jacob Weinberger United States Courthouse  
325 West "F" Street  
San Diego, California 92101-6991

Court forms are available at [www.casb.uscourts.gov](http://www.casb.uscourts.gov)

**INSTRUCTIONS TO DEBTORS REPRESENTED BY AN ATTORNEY  
REGARDING THE REAFFIRMATION OF A DEBT**

These instructions are intended for debtors who are represented by an attorney. You should consult with your attorney if you intend to reaffirm a debt. Your attorney will help you determine whether a hearing is required.

The reaffirmation of a debt means that you promise to pay the creditor under the terms of a new agreement, despite the fact that the debt might be discharged in your bankruptcy as permitted by 11 U.S.C. § 727. You may decide to reaffirm a debt that may be discharged in your bankruptcy. **You are under no obligation to reaffirm any debt.**

The Court will approve a reaffirmation agreement only if:

- the agreement has been made in writing before you receive your discharge in bankruptcy and
- the Court finds that the agreement is in your best interest and does not impose an undue hardship on you and your family.

The deadline for a hearing on a reaffirmation of a debt is **prior to the expiration of the date for your creditors to object to your discharge.** That date is in the NOTICE OF MEETING OF CREDITORS previously mailed to you.

If you reaffirm a debt but fail to notice and attend the hearing, **THE ENTRY OF YOUR DISCHARGE MAY BE DELAYED.**

To reaffirm a debt, complete the following steps:

1. Immediately obtain a hearing date and time for the hearing on the reaffirmation agreement by contacting the courtroom deputy for the judge assigned to your bankruptcy case. Determine which deputy to call by looking at your bankruptcy case number. If the number ends in:
  - JM - call (619) 557-6019 - DEPARTMENT ONE (Room 218)
  - LA - call (619) 557-6594 - DEPARTMENT TWO (Room 118)
  - JH - call (619) 557-6018 - DEPARTMENT THREE (Room 129)
  - PB - call (619) 557-5157 - DEPARTMENT FOUR (Room 328)

The deputy will give you a hearing date, time, and department number.

2. Obtain an agreement in writing from the creditor whose debt you are reaffirming. You may use the court's REAFFIRMATION AGREEMENT (CSD 1226) or a form provided by the creditor.

3. Complete the accompanying NOTICE OF HEARING AND MOTION ON AGREEMENT TO REAFFIRM A DEBT (CSD 1231):

- Enter your name, address, and bankruptcy case number in the top sections.
- Type or print the name and complete address of the creditor whose debt you are reaffirming in the creditor section.
- Type or print the name and complete address of your attorney, if any, in the attorney section.
- Type or print the name and address of your trustee in trustee section. Your trustee's name and address appears on your NOTICE OF MEETING OF CREDITORS.
- Enter the hearing date, time, department number and room number.
- Sign and date the NOTICE OF HEARING. If both husband and wife are reaffirming the debt, both debtors' signatures are required.
- Attach the reaffirmation agreement signed by you and the creditor.

If you have more than one reaffirmation agreement, a separate notice and agreement must be filed for each creditor.

4. **Twenty-eight (28) days before the hearing**, you must mail a **copy** of the NOTICE OF HEARING and AGREEMENT to:

- the creditor whose debt you are reaffirming,
- your attorney, if any,
- your trustee, and
- the United States Trustee,

**AND**

you must file the original and one copy of the NOTICE OF HEARING and AGREEMENT with the court.

5. You must attend the reaffirmation hearing. **If you do not attend the hearing, entry of your discharge may be delayed.** Your agreement is not effective unless approved by the court.

6. You may cancel your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. You must notify the creditor of your decision to cancel in writing. **If you notice a reaffirmation hearing and decide to cancel the agreement, you must notify the court prior to the hearing. Failure to do so may delay the entry of your discharge.**

Court personnel are prohibited from giving you legal advice. 28 U.S.C. § 955. If you have any questions concerning these procedures, you should consult an attorney.